

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER

FILED
JAN 13 2005
DISTRICT CLERK
JAN 13 2005

ACADIA INSURANCE COMPANY,
as subrogee of PETERBOROUGH OIL CO., INC.

Plaintiff,

v.

JASON J. TERHO

Defendant.

CIVIL ACTION NO. 04-12043 (RGS)

JURY TRIAL DEMANDED

MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE

NOW COMES, Patrick J. Loftus, III, Esquire, counsel for Plaintiff, Acadia Insurance Company, who respectfully moves this Honorable Court to enter an Order, in the form attached, for admission *Pro Hac Vice* of William E. Gericke, Esquire, of the law firm of Cozen O'Connor, to appear herein as counsel for Plaintiff.

In support of this Motion, Movant states as follows:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts, and am the attorney for Plaintiff in the above-captioned action.
2. The above-captioned action involves damages sustained by the Peterborough Oil Company, Inc. as a result of a fire that occurred on or about August 13, 2002, at 569 Electric Avenue, Fitchburg, Massachusetts.
3. The above-captioned action was commenced on or about September 22, 2004.
4. I have been acting as local counsel for Plaintiff with respect to this matter, and as local counsel for Plaintiff, I have cooperated with Mr. Gericke who has also prepared the case and is ready to proceed with discovery and trial.

FILING FEE PAID:
RECEIPT # 404493
AMOUNT \$ 50.00
BY DFTY CLK S. J. M.
DATE 1-13-05

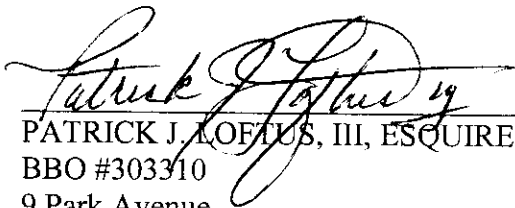
5. I know Mr. Gericke to be a qualified attorney with significant experience in the area of fire and property damage litigation and to be a member in good standing of the Bar of the Commonwealth of Pennsylvania.

6. In further support of this Motion, Movant incorporates by reference the annexed Affidavit of William E. Gericke, Esquire (see Exhibit "A").

WHEREFORE, Movant respectfully requests that the Court grant an Order allowing the admission *Pro Hac Vice* of William E. Gericke, Esquire, to practice with respect to the above-captioned action.

Respectfully submitted,

BY:


PATRICK J. LOFTUS, III, ESQUIRE
BBO #303310
9 Park Avenue
Suite 500
Boston, MA 02108
(617)723-7770

Attorneys for Plaintiff,
Acadia Insurance Company

Exhibit “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER**

ACADIA INSURANCE COMPANY,
as subrogee of PETERBOROUGH OIL CO., INC.

Plaintiff,

v.

JASON J. TERHO

Defendant.

CIVIL ACTION NO. 04-12043 (RGS)

JURY TRIAL DEMANDED

AFFIDAVIT OF WILLIAM E. GERICKE

I, William E. Gericke, Esquire, being duly sworn, depose and say:

1. I am a resident of the Commonwealth of Pennsylvania and am a practicing attorney in Philadelphia, Pennsylvania, and a member of the law firm of Cozen O'Connor located at 1900 Market Street, Philadelphia, Pennsylvania.

2. I am duly licensed and admitted to practice law by the Commonwealth of Pennsylvania with Attorney Identification No. 72391. (A copy of my Certificate of Good Standing is annexed hereto as Exhibit "1").

3. I am a member in good standing of the Bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern and Middle Districts of Pennsylvania and the District of New Jersey.

4. There are no disciplinary proceedings or criminal charges instituted against me in the Commonwealth of Pennsylvania or any other state.

5. An established attorney-client relationship exists between the plaintiff and myself, and my client has requested that I represent its interest in this matter.

6. The nature of this action involves complex legal and factual issues pertaining to property damage and fire litigation, and I have handled these types of cases in the past and have developed an expertise in these matters.

7. If the Court shall allow my Motion to Appear *Pro Hac Vice* in the above-captioned case, I will continue to represent my client in this proceeding until the final determination hereof and with reference to all matters, incidents, or proceedings.

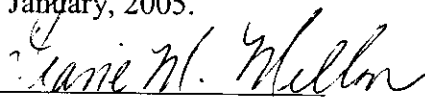
8. I agree that I shall be subject to the orders and amenable to disciplinary action and the civil jurisdiction of this Court and the Bar of the Commonwealth of Massachusetts in all respects as if I were regularly admitted and a licensed member.

9. I am associated with Patrick J. Loftus, III, Esquire, an attorney who is duly and legally admitted to practice in the Commonwealth of Massachusetts.

BY:


WILLIAM E. GERICKE, ESQUIRE

Sworn to and subscribed
before me this 10th day
of January, 2005.


NOTARY PUBLIC

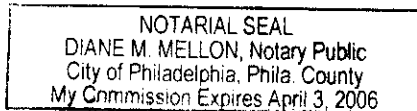


Exhibit “1”



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

William E. Gericke, Esq.

DATE OF ADMISSION

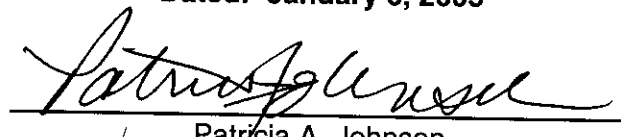
June 23, 1994

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: January 6, 2005


Patricia A. Johnson
Chief Clerk

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

SUPERIOR COURT DEPARTMENT

ACADIA INSURANCE COMPANY,
As subrogee of PETERSBOROUGH OIL
COMPANY, INC.
One Acadia Commons
Westbrook, ME 04092

Plaintiff

CIVIL ACTION NO. 04-12043 RGS

v.

JASON J. TERHO
234 Lake Road
Ashburnham, MA 01434

Defendant

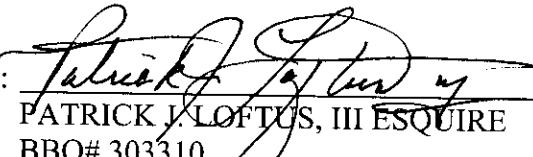
AFFIDAVIT OF PATRICK J. LOFTUS, III

Patrick J. Loftus, III, Jr., Esquire, being duly sworn, deposes and says as follows:

1. I am an attorney duly licensed to practice law in the State of Massachusetts, and an attorney for the Plaintiff, Acadia Insurance Company, in the above-entitled action.
2. I am fully familiar with the facts and circumstances as hereinafter set forth, and make this Affidavit in support of the Plaintiff's motion to have William E. Gericke, Esquire admitted of counsel, *Pro Hac Vice*, with respect to the above-entitled action.
3. The affiant has been acting as local counsel with respect to this matter, and respectfully requests that the Court allow William E. Gericke, Esquire to be admitted *Pro Hac Vice* for purposes of serving as counsel for Plaintiff,
4. The affiant has known Mr. Gericke, Esquire to be an excellent attorney who has a great deal of experience with respect to the issues being presented in the present lawsuit and is a member in good standing of the Bar of the Commonwealth of Pennsylvania. Pennsylvania is a state which allows similar admission privileges to attorneys in good standing in Massachusetts.
5. The affiant respectfully submits to the Court that Mr. Gericke is not only an excellent attorney, but is a person of unimpeachable character who would do justice to both him client and the Bar. The Court is respectfully referred to the attached Affidavit regarding Mr. Gericke's qualifications with the respect to the subject claims.

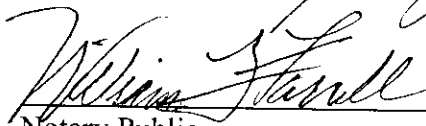
6. The affiant respectfully requests that William E. Gericke, Esquire be admitted *Pro Hac Vice* in the above-entitled action to serve as counsel with respect to the subject claims.

WHEREFORE, Patrick J. Loftus, III, Esquire respectfully requests that the Court grant an Order allowing the admission, *Pro Hac Vice*, of William E. Gericke, Esquire to the United States District Court for the District of Massachusetts and to practice with respect to the above-captioned action, together with such other and further relief as the Court may deem just and proper.

BY: 
PATRICK J. LOFTUS, III ESQUIRE
BBO# 303310
9 Park Street, Suite 500
Boston, MA 02108
(617) 723-7770
ATTORNEY FOR PLAINTIFF

Sworn to before me on this

10 day of January, 2005.

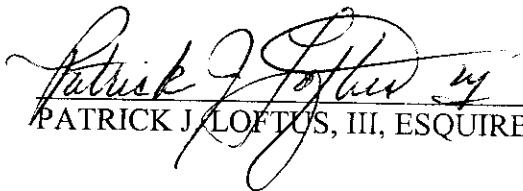

Notary Public

1/14/2005

CERTIFICATE OF SERVICE

I, Patrick J. Loftus, III, Esquire, hereby certify that on this 12 day of January, 2005, I did cause a true and correct copy of Plaintiff's Motion for Admission of Counsel *Pro Hac Vice* to be served via First-Class U.S. Mail, postage prepaid, upon the following:

Michael F. Ashe, Esquire
Law Offices of Donna Gully-Brown
446 Main Street, Floor 19
Worcester, MA 01608


PATRICK J. LOFTUS, III, ESQUIRE